

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kotewicz *et al.*

Appl. No. 10/024,149

Filed: December 21, 2001

For: **Cloned Genes Encoding Reverse
Transcriptase Lacking RNase H
Activity**

Confirmation No. 4033

Art Unit: 1652

Examiner: *To Be Assigned*

Atty. Docket: 0942.049000A/RWE/MTT

Thirteenth Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Thirteenth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Twelfth Information Disclosure Statement filed herewith in connection with the above-captioned application. All documents were cited and submitted to the Office in Application No. 09/220,330, filed December 24, 1998.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

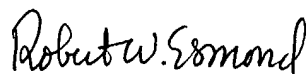
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Thirteenth Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Thus, no statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Registration No. 32,893

Date: March 5, 2003
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| FORM PTO-1449 <u>THIRTEENTH SUPPLEMENTAL</u> <u>INFORMATION DISCLOSURE STATEMENT</u> | ATTY. DOCKET NO. 0942.049000A/RWE/MTT | APPLICATION NO. 10/024,149 |
| | APPLICANTS Kotewicz et al. | |
| | FILING DATE December 21, 2001 | GROUP 1652 |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|----|-----------------|------|------|-------|-----------|-------------|
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
| | AA | | | | | | |
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| | AL | | | | | | Yes No |
| | AM | | | | | | Yes No |
| | AN | | | | | | Yes No |
| | AO | | | | | | Yes No |
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| OTHER (Including Author, Title, Date, Pertinent Pages, etc.) | | | |
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| | AR | | |
| | AS | | |
| | AT | 108 | DeStefano, J.J., et al., "Characterization of an RNase H deficient mutant of human immunodeficiency virus-1 reverse transcriptase having an aspartate to asparagine change at position 498," <i>Biochim. Biophys. Acta</i> 1219:380-388, Elsevier Science B.V. (October 1994) |

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| OTHER (Including Author, Title, Date, Pertinent Pages, etc.) | | | |
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| | AR | <u>109</u> | Krug, M.S., and Berger, S.L., "[33] First-Strand cDNA Synthesis Primed with Oligo(dT)," <i>Meth. Enzymol.</i> 152:316-325, Academic Press, Inc. (September 1987) |
| | AS | <u>109</u> | Mölling, K., et al., "Association of Viral Reverse Transcriptase with an Enzyme degrading the RNA Moiety of RNA-DNA Hybrids," <i>Nature New Biology</i> 234:240-243, Macmillan Journals Ltd. (1971) |
| | AT | <u>109</u> | "Memorandum in Support of Clontech's Motion for a Summary Judgment of Invalidity (Claim Indefiniteness), or in the Alternative, Motion for a Claim Construction," dated February 14, 2001, with attached exhibits A-H from <i>Invitrogen Corporation v. Clontech Laboratories, Inc.</i> , U.S. District Court for the District of Maryland, Southern Division, Civil Action No. AW-96-4080 and AW-00-1879 |

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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| AR | <u>110</u> | "Report and Recommendation Regarding (1) Invitrogen Corporation's Motion for Partial Summary Judgement That the Work of Goff et al Is Not Prior Art to the Patents-In-Suit, (2) Clontech's Cross Motion for Summary Judgement That the Work of Goff et al Is Invalidating [sic] Prior Art Under 35 U.S.C. § 102(g) or In Alternative Is Admissible Evidence at Trial, and (3) Clontech's Motion In Limine to Exclude Evidence of the Work of Goff et al at Trial for Prior Art," dated January 15, 2002, from Invitrogen Corporation v. Clontech Laboratories, Inc., U.S. District Court for the District of Maryland, Southern Division, Civil Action No. AW-96-4080 and AW-00-1879 |
| AS | <u>110</u> | Letter to Philip G. Hampton, II, from Robert J. Koch, dated January 31, 2002, regarding Invitrogen Corporation v. Clontech Laboratories, Inc., Civil Action No. AW-96-4080 and AW-00-1879 |
| AT | <u>110</u> | Letter to Philip G. Hampton, II, from Marc R. Labgold, dated February 1, 2002, regarding Invitrogen Corporation v. Clontech Laboratories, Inc., Civil Action No. AW-96-4080 and AW-00-1879 |

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| | AR | <u>111</u> | Invitrogen Corporation v. Stratagene Holding Corporation, Stratagene, Inc., and Biocrest Manufacturing, L.P., 2002 U.S. App. Lexis 3613 (Fed. Cir. 2002) |
| | AS | <u>111</u> | Letter to Robert J. Koch from Philip G. Hampton, II, dated February 21, 2002, regarding <i>Invitrogen Corporation v. Clontech Laboratories, Inc.</i> , Civil Action No. AW-96-4080 and AW-00-1879 |
| | AT | <u>111</u> | "Clontech's Reply Memorandum in Support of Its Motion for Partial Summary Judgment of Invalidity (Written Description) and Opposition to LTI's Motion for Partial Summary Judgment," dated March 4, 2002, from <i>Invitrogen Corporation v. Clontech Laboratories, Inc.</i> , U.S. District Court for the District of Maryland, Southern Division, Civil Action No. AW-96-4080 and AW-00-1879 |

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| | AR | <u>112</u> | "Order," dated March 18, 2002, from <i>Invitrogen vs. Clontech Laboratories, Inc.</i> , U.S. District Court for the District of Maryland, Southern Division, Civil Action No. AW-96-4080 and AW-00-1879 |
| | AS | <u>112</u> | |
| | AT | <u>112</u> | |

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